

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

Shawn Preston, Eric Davis, Joseph)	C/A No. 0:17-cv-02184-MGL
Patterson, John Rando, Jason Tatarewitz,)	
and Ronnie D. Barrett, Jr., for themselves)	
and others similarly situated,)	
)	
Plaintiffs,)	
)	
v.)	
)	
Fluor Enterprises, Inc.,)	
)	
Defendant.)	
)	

**JOINT MOTION FOR FINAL APPROVAL OF
COLLECTIVE ACTION SETTLEMENT**

Plaintiffs Shawn Preston, Eric Davis, Joseph Patterson, John Rando, Jason Tatarewitz, and Ronnie D. Barrett, Jr., for themselves and others similarly situated (“Plaintiffs”) and Defendant Fluor Enterprises, Inc. (“Defendant”) (collectively the “Parties”), through their undersigned counsel, respectfully move for final approval of a settlement reached in relation to the Plaintiffs’ claims brought pursuant to the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.* (“FLSA”), the South Carolina Payment of Wages Act, S.C. Code Ann. §§ 41-10-10(1) (“SCPWA”), and for breach of contract under South Carolina law (“Motion for Final Approval”). In support of their Motion for Final Approval, the Parties state as follows:

1. On March 15, 2018, the Parties executed a Settlement and Release Agreement (“Agreement”) which resolves all claims in this action. A copy of the Agreement was submitted to the court for *in camera* review upon the Parties’ filing of their Joint Motion for Preliminary Approval of Collective Action Settlement (ECF #28) (“Motion for Preliminary Approval”).

2. Upon preliminary review, the Court granted the Parties' Motion for Preliminary Approval and found that the Agreement is "fair and reasonable, suffers from no obvious defects, was reached after arm's length negotiations between the Parties, and constitutes a reasonable compromise of the claims and defenses in this matter." Preliminary Approval Order entered March 19, 2018 (ECF #29).

3. Pursuant to its Order, the Court:

a. Conditionally certified this case as an FLSA collective action for settlement purposes only;

b. Appointed Shawn Preston, Eric Davis, Joseph Patterson, John Rando, Jason Tatarewitz, and Ronnie D. Barrett, Jr. as the Class Representatives for settlement purposes.

c. Appointed Plaintiffs' counsel as Class Counsel for settlement purposes.

d. Approved as to form and content the proposed Notice of Lawsuit and Settlement and proposed Consent to Join form set forth in the Agreement; and

e. Scheduled a Final Hearing on June 25, 2018, at 10:00 am, in Courtroom II of the Matthew J. Perry, Jr. United States Courthouse.

4. Defendant's counsel mailed the approved Notice and reminder Notice to all putative Class Members identified in Schedule B to the Agreement within the timeline set forth in the Agreement.

5. Of the 68 potential Class Members, all but two (2) individuals have accepted the terms of the Agreement by timely returning a Consent to Join form. Under the terms of the Agreement, the 66 individuals who joined the Agreement and timely returned a Consent to Join form are entitled to the relief provided for under the Agreement, contingent upon the Court's Final Approval of the Agreement.

6. The two (2) individuals who did not timely return a Consent to Join form decided not to participate in the Agreement, which means that these individuals have not waived any of their claims under the terms of the Agreement. These individuals will not be entitled to a settlement payment under the Agreement, and their portion of the Settlement Fund shall remain with Defendant.

7. The parties will submit to the Court for *in camera* inspection the completed Schedule C of the Agreement reflecting the final calculations and payments contemplated under the Agreement.

8. No putative Class Members have filed objections to the Agreement. The 66 individuals who joined the Agreement represent over 97% of the putative Class Members.

9. As stated in the Parties' Joint Motion for Preliminary Approval, which is incorporated herein by reference, the agreement and the proposed settlement amount and allocations are a fair and reasonable resolution of this matter.

10. Class Counsel shall file a separate motion for the approval of attorneys' fees and costs under the agreement.

11. In reaching this Agreement, the Parties took into account all known facts, including the risk of delay, the uncertainty of litigation, the defenses asserted by Defendant, and the significant time delay to litigate this matter. The Parties believe that the likely duration, complexity and expense of future litigation would be a heavy burden on the Parties and the Court. The Parties believe that, in light of the above, the Agreement entered into by the Parties is a fair, reasonable and adequate resolution of this matter.

WHEREFORE, Plaintiffs and Defendant jointly request that, following the Final Hearing on June 25, 2018, the Court sign the attached Consent Order finally approving the Settlement Agreement and Release and dismiss this action in its entirety, with prejudice.

Respectfully submitted,

s/ Amy L. Gaffney

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Dated this 20th day of June 2018.